



Interview Summary: Kim Ayotte, City of Ottawa

Background

Kim Ayotte is the General Manager of Emergency and Protective Services for the City of Ottawa (the **City**). In this role, he oversees approximately 2,500 staff. The Director of Public Safety Service, Director of By-Law and Regulatory Services, Fire Chief and Chief of Ottawa Paramedic Service report directly to Mr. Ayotte.

During the protests, Mr. Ayotte was regularly briefed by Beth Gooding, Director of Public Safety, with respect to operational issues. He, in turn, would brief City Manager, Steve Kanellakos, who would brief Mayor Jim Watson. He would also provide daily situational updates to the Mayor and City Council.

During the relevant period, Mr. Ayotte took handwritten notes at various points, all which have been produced.¹ Mr. Ayotte's practice in this regard, which dates back to his experience as a fire investigator, is that his notes are not verbatim of everything that was said, but rather of key points that were of interest to him in relation to the subject matter.

Mr. Ayotte was interviewed by Natalia Rodriguez and Jean-Simon Schoenholz on August 8, 2022. Questions about this summary should be directed to Jean-Simon Schoenholz.

The City's Emergency Response Framework

Beth Gooding, Director of Public Safety Service, is head of the City's Office of Emergency Management (**OEM**), which is responsible for managing the City's emergency management program, including the Emergency Plan.

The City's Emergency Operations Center (**EOC**) receives information from all City departments and will convene to monitor an emergency situation once it is brought to their attention. During an emergency situation, the EOC's status may escalate from monitoring to enhanced, from enhanced to activated, and then from activated to a state of emergency. The EOC, which is staffed by Duty Officers from each City department, operates under the oversight of the Emergency Operations Center Control Group (**EOCCG**). The EOCCG is chaired by City Manager, Steve Kanellakos. The EOC was created and went into enhanced operations to respond to the protests by January 27, 2022.

¹ Mr. Ayotte's notes are produced at OTT00010462, OTT00010463, OTT00010464, OTT00010465, respectively. A transcription of the relevant notes from meetings with other organizations is produced at OTT00030059.



The City is also a member of the National Capital Region Command Center (**NCRCC**). It includes representatives from the RCMP, OPP, OPS, Parliamentary Protective Services, and the city of Ottawa. The NCRCC acts as area command during active multi-agency police operations in the region. The NCRCC mobilized on January 28, 2022 to respond to the Freedom Convoy and was led by OPS, which was incident command.

INTERSECT is an OPS-led group that gathers monthly to monitor threats across the national capital region (**NCR**). It is made up of NCR law enforcement agencies and the cities of Ottawa and Gatineau. During the subject period, INTERSECT provided daily updates to its members. INTERSECT did not play a lead role in operations.

Pre-Arrival Intelligence

Mr. Ayotte believes that he first learned of the Convoy when Beth Gooding advised him that the City was monitoring the situation. This was between mid-January and January 21, 2022. He subsequently received a notification about the Convoy from INTERSECT on January 21, 2022. At this point, it was still anticipated to be a “regular protest”. City departments were engaged with respect to the approaching convoy as early as January 14, 2022, when the City's Traffic Incident Management Group (**TIMG**) began planning for the Convoy's anticipated arrival. TIMG would likely have received notice from OPS. TIMG in turn would have advised Ms. Gooding.

Initial intelligence about the Convoy gathered from social media indicated that there was a small convoy from Western Canada planning a seven-day event ending with a protest in Ottawa over the weekend. TIMG received similar information. Before the Convoy's arrival, the City regularly received intelligence from OPS through the TIMG. Over time, the City began receiving intelligence from OPS through the EOC and the NRCCR.

The City did receive some intelligence, notably from a local hotel association, indicating that the protestors were planning to stay for an extended period of time (30 days or more).² This intelligence was forwarded from the City to OPS for their validation.³ However, the City based its planning and response on the global intelligence assessment received from OPS and based on OPS' threat assessment, as opposed to individual pieces of information.

The EOC and NCRCC were mobilized by January 28, 2022. The City was planning for the worst case and relying on intelligence received from the OPS' Police Liaison Team

² January 25, 2022 : “truckers are starting to reach out to hotels to book stays of at least 30 days”: OTT00000101.0001.

³ See OTT00000070.0001.



(PLT). The focus of City planning was on putting all City departments on notice in order to minimize impacts to City services and adequately staffing the EOC.

An EOC duty officer meeting was held on January 25, 2022, to obtain situational information from the OPS, discuss mitigation activities, coordination requirements, and potential impacts of the Convoy on various City services. Mr. Ayotte met with Steve Kanellakos and Steve Box on the same day and decided to close City Hall to the public. It remained closed until the end of the protest. Mr. Ayotte also briefed the City's senior leadership team (SLT) on January 26, 2022. The first EOCCG update was provided in writing on January 29, 2022 and the first actual meeting was held on Feb 4, 2022.

One of the early concerns identified by the City was maintaining an emergency lane through downtown for emergency services vehicles. Mr. Ayotte confirmed that Convoy organizers had agreed to maintain an emergency lane and did, for the most part, maintain such a lane throughout the relevant period. The City used concrete barriers or heavy vehicles to block emergency lanes and towed any vehicles blocking these lanes. Mr. Ayotte attributed higher towing numbers on the first day of the protest to this type of activity.

Prior to the Convoy's arrival, the City's efforts were mainly focused on anticipating impacts on City services to mitigate impacts on their delivery. Otherwise, a limited number of measures were put in place by the City prior to the Convoy's arrival. This included, notably, the installation of a small number of portable washrooms in the downtown core. The City also cleared some downtown streets of snow.

A request was made by OPS to staff in the City's Recreation, Cultural and Facility Services group for a City property on Coventry Road (RCGT Stadium) to be used for overflow parking for passenger and/or police vehicles. This was consistent with standard operating procedure whereby the City's Traffic Services group works with Police to secure overflow space when a protest or convoy is expected to arrive. By pre-identifying sites, Police can then work with organizers to direct traffic to overflow space as needed. Both public and private property has been used in the past. In this case, the intent was not for long-term stays. The plan was for protesters to park there to relieve congestion in the downtown area. Once it became clear that the property was being used for protestors to stay there overnight and as a staging area, the City asked OPS to clear the area (around February 6, 2022). OPS refused on the basis that doing so could spark conflict with the protestors and that they did not have sufficient resources to deal with that scenario. The OPS also communicated to the City that the particular group of protestors set up in the Coventry Road parking area held more extreme views, some were previously known to police and the group was generally considered more volatile. This was the only City property the City allowed to be used by the Convoy.

In addition to the City property on Coventry, OPS also requested that the City assist it in securing other properties for overflow parties from the NCC (Sir John A. Macdonald Parkway and Queen Elizabeth Way) and other federally-owned properties (1500 Bronson). As a result, 1500 Bronson was made available for a short-time.



The City's Response to the Convoy

It is Mr. Ayotte's understanding that, from the outset, handling the protests fell entirely within the incident management of the OPS. The City's role, including the role of the EOC and EOCCG, was to support the OPS and mitigate the impact of the protest on residents and businesses. OPS was seen as the lead agency within the City's geographic jurisdiction in terms of enforcement activities, operations and strategy.

Mr. Ayotte distinguished protests (which fall under police jurisdiction) from special events (which fall under City jurisdiction). Though Mr. Ayotte agrees that there is a grey zone, the distinction between a special event and a protest is based on police intelligence and threat assessment. It is up to the OPS to make the determination of what is a protest.

With respect to protests, the OPS has a voluntary demonstration permit system where planned protests can advise the OPS of their plan, through the City's website. These plans are then communicated to the OPS' event group, which, assisted by the PLT, coordinates with protestors to prepare for their arrival and provide any OPS support required. In the present case, the Convoy did not provide such notice to the OPS or City or apply for any permits. Mr. Ayotte understands that Protestors are not required to obtain a special events permit from the City as the right to protest lawfully is guaranteed by the Canadian *Charter of Rights and Freedoms* (*Charter*).

Where special events are concerned, those planning an event are required to apply to the City for a special events permit. Where the City receives an application, it will only issue a permit where an organizer is able to satisfy the City that it has measures in place to mitigate risk associated with the event. This may include putting adequate security measures into place.

In the present case, it was always understood by the City that the Convoy was a protest subject to OPS management and authority. Protest organizers did not apply for a City permit at any time nor did they satisfy the onerous requirements for a special events permit. They were always perceived by the City as being a protest movement rather than a special event. As this was a protest rather than a special event requiring a permit, Mr. Ayotte's understanding was that OPS was the lead agency in charge.

All operational decisions related to the protests had to be made by the OPS. This included decisions with respect to those actions normally within City jurisdiction such as any decision to ticket or tow vehicles associated with the protest, to enforce bylaws including those relating to fire safety, and to restrict the flow of traffic by closing streets. OPS directed the City on January 29 to instruct bylaw officers not to ticket or tow vehicles anywhere in the red zone without police approval.⁴ In later cases, this extended to any area of the City that could reasonably be thought to be associated with the Convoy. Other

⁴ OTT00001270.



than paramedic and fire services, City personnel, including bylaw officers, were directed by OPS not to enter the red zone without police escort. At one point, police escort was also required for paramedic services, after incidents of abuse were reported by some paramedics (e.g. rocks thrown at ambulances and racial slurs directed at paramedics).

It was understood by the City that acting without OPS approval could interfere with the OPS' management of the incident, including interfering in negotiations between the PLT and protesters. Where there is potential for criminal investigation and concurrent administrative enforcement, the City always defers to the OPS. According to Mr. Ayotte, this has always been the relationship between the City and OPS and is reflected in a past version of the City's emergency management plan. His understanding is that OPS has complete responsibility for maintaining public order, keeping the peace and crowd control in a protest situation.

The City understood from the outset that the OPS' operational objective was to avoid death, serious injury, and rioting. The focus was on getting the Convoy in and out of the City as soon as possible. Mr. Ayotte explained that the City and its officials were not privy to OPS' plans in their entirety. OPS would share "bits and pieces" of its operational plans, but never the details. The EOC was a primary channel of communication between the City and OPS.⁵ In particular, Beth Gooding, Director of Public Safety Service, would have daily meetings with Sam Roberts a sergeant from OPS.

The City did not erect barriers to prevent the entry of vehicles associated with the Convoy into downtown Ottawa at any point during the Convoy. Mr. Ayotte understood from Chief Sloly and the OPS that doing so would interfere with freedom of mobility under the *Charter* and that this could not be done without a legal justification. The decision not to put such barriers in place was made by OPS and followed by the City. The City raised concerns but got "hard pushback" from OPS.

Mr. Ayotte identified a number of bylaw infractions by Convoy demonstrators. This includes installing structures on city streets or sidewalks without a permit, open air fires without a permit and excessive noise. The City could have and was ready to enforce these bylaws, however, OPS at times directed the City not to enforce certain bylaws as it was thought that enforcement action could act as a trigger point for rioting and violence. While the City could and did at times raise concerns with OPS, the final decision was ultimately OPS' to make based on intelligence OPS had that the City did not have.

In addition, the City had concerns about the safety of its workers and bylaw officers in particular. Based on OPS intelligence, Mr. Ayotte said he was aware of particularly dangerous areas being Sussex and Rideau, where criminal elements had established

⁵ City officials also had other communications with and received briefings from OPS officers. Mr. Ayotte exchanged relevant text messages with Deputy Chief Ferguson (OTT00030049).



themselves, and Coventry Road, where certain persons had “deputized themselves” to arrest police officers or others. In particular, he recalls one incident at Rideau and Sussex where bylaw officers were “swarmed” when attempting to respond to the installation by protesters of a large speaker system. While this incident did not result in any physical confrontation, Mr. Ayotte recalls that this incident demonstrated the extent to which enforcement action could quickly escalate.

The City raised fines for certain bylaw infractions and amended its idling bylaw to lower the temperature at which it would apply. The City also obtained an injunction. However, enforcement remained subject to OPS’ direction and resource constraints.

The Mayor declared a State of Emergency on February 6, 2022. Mr. Ayotte explained that the declaration was primarily symbolic and meant to facilitate requests for assistance from the province and the federal Government. The declaration gave the City no authority that was of material assistance as most of the City’s bylaws allow for the same emergency measures to be taken with or without a declaration of a State of Emergency.

Towing Capacity

As the lead agency, OPS was responsible for securing the towing capacity it required.

The City contracts with towing companies for bylaw enforcement purposes. Throughout the relevant period, the City had adequate towing capacity for passenger vehicles, including pickup trucks.

The OPS requested the City’s assistance in attempting to secure towing capacity for heavy vehicles. The City only had three heavy towing vehicles available through OC Transpo. These are used to tow City busses. OC Transpo initially did not want to agree to their use as they are required for OC Transpo business. Eventually they agreed to their use but could not provide any operators as OC Transpo operators are not trained to tow vehicles other than busses. Ultimately, the OPS did not use the OC Transpo tow trucks.

The NCRCC made inquiries of its contractors, other municipalities, and the MTO for large vehicle towing capacity. City staff in the By-law and Regulatory Services group did provide assistance to the NCRCC by contacting the companies on the City’s standing offer list and others. Initially, city contractors and others refused to provide heavy towing capacity. Many cited employee safety as a reason for their refusal. Mr. Ayotte is not aware of how the OPS ultimately found towing capacity for the removal of heavy vehicles.

Requests for Assistance

At the request of the OPS to the EOC, Mr. Ayotte requested assistance from PSPC to protect the Cenotaph after the desecration of the War Memorial. Any requests to federal or provincial authorities were at the instruction of OPS.



The City supported OPS' efforts to obtain more resources. Mr. Ayotte attended two trilateral meetings with the federal Government (Ontario was invited but did not attend either one) with City Manager, Steve Kanellakos and Chief Sloly. During these meetings, Chief Sloly expressed OPS' need for more officers before it could activate its plan. He asked for 1,800 officers. Mr. Ayotte is not aware whether this number of officers was ever received. The use of the *Emergencies Act* was not discussed.

Mr. Ayotte recalls the RCMP saying that they were sending more officers to Ottawa, but that Chief Sloly explained that these officers were not being sent to Ottawa to support OPS' operational plan. Rather, they were protecting federal assets such as Parliament Hill, NCC property, and embassies. They were not of assistance to the execution of OPS' plan. Mr. Ayotte recalls that Chief Sloly continually requested 1,800 officers so OPS could "do what they eventually did".

Agreement with Convoy Organizers

Mr. Ayotte helped implement the Mayor's agreement with protest organizers to move vehicles from residential areas to Wellington street. He only learned of the agreement after it had been struck. His understanding was that OPS had approved this plan.

Mr. Ayotte met with protest leaders, along with Steve Kanellakos and Superintendent Robert Drummond, an OPS officer, to plan the logistics of the move on February 13, 2022. On February 14, 2022, approximately 40 trucks were moved away from residential areas onto Wellington as a result. The move required coordination between protest organizers, City officials, and the OPS.⁶ When trucks moved out of residential areas, these areas were secured by OPS and not regained by protestors at any time thereafter. The City viewed the operation as a success. The next day, OPS made the operational decision to put an end to the implementation of the agreement. The reason is unknown to Mr. Ayotte.

Impact on the City

City Hall and its various service counters were closed throughout the protest. OC Transpo routes through the downtown core had to be rerouted and Paratranspo had difficulty getting to certain users in the downtown core. There was also a significant impact on the City's community and social services, which had to relocate some residents receiving home care. In addition to a high number of fake 911 calls, Fire Services also received inappropriate calls and 311 was also affected. The City had to close vaccine clinics, a public library, and two childcare locations. Mr. Ayotte is aware that Mayor Jim Watson received death threats. Mr. Ayotte and his family also received death threats. Mr. Ayotte

⁶ Mr. Ayotte coordinated with both Chris Barber (OTT00030032 - OTT00030034, OTT00030037, OTT00030039) and Superintendent Drummond (see OTT00030048) by text message.



was not aware of any death or significant injury to any Ottawa resident as a result of the convoy.

The total cost of the convoy to the City was \$7,060,717. This is in addition to the cost to OPS. The cost to downtown businesses is estimated at millions of dollars per day.

Chief Sloly's Resignation

Mr. Ayotte had no notice of Chief Sloly's resignation and was not consulted on the issue. He does not have views on Chief Sloly's resignation but did note that after his resignation OPS began to share more information with the City. He does not know why this is the case.

Lessons Learned

Mr. Ayotte explained that for subsequent protests, including Rolling Thunder and Canada Day 2022, the City did block roads to the downtown core to prevent protesters from entering with their vehicles. Although such measures are very costly and resource intensive, they have worked very well in his estimation.